REMARKS

The Examiner is thanked for the comments in the Action. They have helped us considerably in understanding his rationale therein and in drafting this Response thereto.

It is our understanding that claims 3-16 and 18-22 remain pending in this application.

5

The office action contains three sections labeled "11" and four sections labeled "12." We refer to these herein as 11-1st, 11-2nd, ..., 12-1st ... 12-4th, etc., and further note the page of the action in which they start

10 **Items 1-6:**

We thank the Examiner for noting these, which appear informational in nature and are understood to require no reply.

Item 7-10 (§112,¶2 rejections and the term "unambiguously"):

15 Claims 3-16 and 18-22 have been rejected under §112, ¶2. The action states *"In regard to independent claims 3, 11, 21, the word "unambiguously" (as amended) in each of said claims is vague and indefinite. This is a subjective word, and it is unclear how this is to be interpreted within the context of Applicant's claim limitations."*

This term was proposed in a prior draft response and discussed in the telephone interview
20 on 07/15/2002, and we cannot see how "unambiguously" can be ambiguous. Nonetheless, in a responsive sprit we have amended claims 3, 11 and 21 to render this moot. No new subject matter is added by these amendments.

Using claim 3 as an example, rather than say *"such that said replacement variable will be unambiguously replaced with a respective said passage of text governed by the selection of a*
25 *particular one of said resource files"* the claim is amended to say *"such that said replacement variable will always be replaced with a respective said passage of text governed by the selection of a particular one of said resource files."* We respectfully urge that the term "always" is not vague or indefinite.

Furthermore, we urge that the term "always" should help this prosecution get beyond the
30 shortcomings in language that has made it difficult to distinguish the present invention from Motoyama. Our rationale here is that a particular resource file has respective passages of text (or

same data portions) that are always used to replace a replacement variable – not multiple units of text/data from which one may be selected and then used to replace the replacement variable. There has been much confusion due to Motoyama's use of dictionaries (and rules databases) and the perception that Applicant's resource file is equivalent to a dictionary. A dictionary has

5   potentially many instances of definitions from which one is selected and used as a translation for a term or phrase (and in Motoyama the rules database guides which particular definition is chosen and used when there are multiple available).

Item 11-1st and 12-1st (pg. 3):

10   Claims 3, 5-6, and 21-22 have been rejected under §103 as unpatentable over Motoyama.

The action states: "*In regard to Independent claim 3, Motoyama teaches a HTML document page translated using a resource dictionary database (file) containing translated words and phrases for replacing variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 3 "a plurality of resource file containing data for*

15   *replacing said replacement variable,")."*

Respectfully, we urge that this is error and that Motoyama does not teach replacing variables. The cite to col. 4, ln. 14-23 does not support this. It discusses formatting and distinguishing sections of a document. The cite to col. 5, ln. 41-46 also does not support this. It states that "*It is not critical that every tag or data be translated ...*", which cannot be reconciled

20   with merely "*replacing variables.*" In the context of Applicant's claims, "replacing" does not include a decision whether to replace or what to replace with, yet translation inherently does require these. The cite to col. 6, ln. 41-55 also does not support the assertion. It teaches the use of dictionaries and rule databases, elements that are not in Applicant's claims. Please review our remark above on items 7-10 of the action, and consider the amendments to claims 3, 11, and 21

25   discussed there as further support of this.

Additionally, col. 6, ln. 41-55 of Motoyama actually helps Applicant's position here because it supports a strong "*all elements*" argument. If Motoyama requires dictionaries and rule databases, and the rejected claims do not, then it follows that Motoyama, alone, does not teach or reasonably suggest the invention. No assertion has been made that the rejected claims have an

30   element equivalent to rule databases. It has been argued that dictionaries are equivalent to Applicant's resource files of data, but we again urge that that is wrong and that the amendments

herein make that even more clear. Dictionaries have multiple possible definitions for a term. Applicant's resource files have single units of data for replacing each variable.

Reiterating points made in the last response: "*a key distinction has been missed here. Motoyama's file will contain multiple words/phrases for 'translation,' verses mere single*

5   *variables for substitution. There will be many ambiguities that have to yet be resolved before translation is complete.*" There has been wrongful confusion of translation and substitution (replacement of the variable with data). For example, the Response to Arguments (item 13) in the present action states: "*(see also Motoyama column 5 lines 40-46, especially line 41; "It is not critical that every tag or data be translated..").*" In the claim the variable <u>is</u> replaced. That is

10   always the case, and it is always the same data used when the same variable and resource file of text/data are used. This is simply not the case with translation.

Translation requires that a decision of what to substitute be made at the time translation is being performed. This is a critical distinction. Motoyama teaches translation, including all the inherent subjective decision making which that entails, and then replacement with the definition

15   decided upon, and finally presenting the original and the end result. Thus, briefly ignoring the multiple other distinctions, another argument here is that Motoyama = decision + replacement + presentation, whereas Applicant's claims = replacement + presentation. There simply is no decision element/step in Applicant's claims to decide what data to replace a variable with. This is because Applicant's invention does not need such to solve the problem it is addressing.

20   The Response to Arguments in the action also states: "*It is further noted that the invention, as presently claimed, does not preclude the examiner from the use of a intelligent data substitution that Motoyama teaches. Motoyama ultimately teaches replacing data/variables of one language with data/variables of another language, regardless of the number of intermediate steps involved in the process.*" Respectfully, we urge that these very aspects of Motoyama do

25   preclude its use in this rejection. Motoyama teaches translation, requiring far more than the invention Applicant has claimed here. Without its "*intelligent*" data substitution Motoyama, cannot work. Whereas, Applicant's invention does work without such data substitution, because it use merely substitution rather than decistion making and then substitution based on a choice made. Under the criteria for a proper §103(a) rejection, these do preclude rejection here.

30   **The action further states**: "*Motoyama does not specifically teach said HTML page as a template. However, this limitation would have been obvious to one of ordinary skill in the art at*

the time of the invention, in view of Motoyama, because Motoyama's teaching of HTML, with its known hierarchical tag structure, clearly suggests a template structure, providing Motoyama with the organizational advantage a hierarchical page provides (Motoyama column 4 lines 14-23; compare with claim 3 "a markup-language encoded template")."

5   Respectfully, we urge that the conclusion drawn here is also error. The cite to col. 4, ln. 14-23 discusses formatting and distinguishing sections of a document, not delimiting such for replacement with definitions, passages of text, or data. Furthermore, the logic that *"Motoyama's teaching of HTML ... clearly suggests a template structure"* is flawed. Many templates have nothing to do with HTML, and very little use of HTML has anything to do with templates. And

10   more so for a *"hierarchical tag structure."* Upon seeing HTML or a hierarchical tag structure used, a person of reasonable skill in the art would have no reason to think of using an HTML template. Applicant is not claiming merely an HTML template, where any art teaching or reasonably suggesting that alone would merit rejection. Applicant is claiming an invention that, among other novel elements, includes an HTML template used in particular combination with

15   those elements.

       Regarding claims 5-6, and 21-22, we urge that the same rationale expressed in the above remarks also applies, and that these claims should be allowable for the same reasons.

Item 12-2nd (pg. 5):

20   Claims 11, 16 and 18-20 have been rejected under §103 as unpatentable over Motoyama in view of Fukumochi et al. Respectfully, we urge that this is also error.

       The action states: *"In regard to independent claim 11, Motoyama teaches a HTML document translated using resource dictionary databases (files) containing various translated words and phrases for replacing variables ...."* As discussed above, Motoyama's dictionary

25   databases are not equivalent to Applicant's data files. Dictionaries often contain multiple definitions for the same word or phrase, and this must be so at least part of the time for Motoyama or it would not need its rules database to resolve which definition to use.

       The action continues: *"Motoyama does not specifically teach resource files including idiomatically-correct predefined text passages. However, Fukumochi teaches a translation*

30   *system using a dictionary containing idioms of a language as applied to translation from one language to another ...."* Fukumochi is subject to the same argument that a dictionary is not

equivalent to Applicant's data files. Furthermore, that Fukumochi has a dictionary *"containing idioms of a language"*, i.e., a particularly sophisticated type of dictionary, distinguish Applicant's claimed invention even further here. Claim 11 presently does not have any limitation with respect to idiomatic correctness. Granted, prior to recent amendment it did, but then with

5   respect to the chosen data used being already idiomatically correct, verses picking the idiomatically correct definition from among many possible definitions, as Fukumochi does (see e.g., col. 4, ln. 64 to col. 5, ln. 11 which discusses idioms plural and particularly how to handle split idioms using the same rules used for non-split idioms).

     The action continues: *"Motoyama does not specifically teach said HTML page as a*

10   *template at a server. However, this limitation would have been obvious ..., in view of Motoyama, because the teaching of HTML, with its known hierarchical structure, clearly suggests a template structure, to which HTML pages must be uploaded and stored on a server for publication, providing Motoyama with the organizational advantage a hierarchical page provides (Motoyama column 4 lines 14-23; compare with claim 11 "providing an HTML*

15   *template to a server, said HTML template including at least one variable ").*

     As discussed above with respect to claims 3, 5-6, and 21-22, Motoyama at col. 4, ln. 14-23 merely discusses formatting and distinguishing sections of a document, not delimiting such for replacement with definitions, passages of text, or data. Furthermore, for the reasons noted, the logic that *"Motoyama's teaching of HTML ... clearly suggests a template structure"* is

20   flawed.

     Regarding claims 16, and 18-20, we urge that the same rationale expressed in the above remarks also applies, and that these claims should be allowable for the same reasons.

Item 11-2nd (pg. 7):

25   Claims 4 and 7-8 have been rejected under §103 as unpatentable over Motoyama in view of Levy. Respectfully, we urge that this is also error.

     The action states: *"In regard to dependent claim 4, ... Levy teaches a country code, which is indicative of a particular language .... In regard to dependent claim 7, ... Levy teaches a server accepting a web request along with a country code for processing of said web page ...."*

30   However, while *"Levy teaches a country code, which is indicative of a particular language"* what is missed is how that is used. It teaches the outright substitution of complete predefined

pages when a different language is desired, and thus teaches away from Applicant's more efficient template/variable replacement scheme. In fact, storing pluralities of complete pages in pluralities of languages is a key problem that Applicant's invention overcomes. Levy is also not being considered as a whole, and as a whole it cannot be reconciled with Motoyama and

5   Fukumochi. Its storing of predefined pages cannot be combined with Motoyama's <u>translation</u> to construct an end result. Finally, Levy and Motoyama cannot properly be combined because they solve essentially the same problem, but in essentially opposite ways.

Item 11-3rd (pg. 8):

10   Claims 14-15 have been rejected under §103 as unpatentable over Motoyama in view of Fukumochi and Levy. Respectfully, we urge that this also is error.

The action states:

> *In regard to dependent claim 14, ... Levy teaches a country code, which is indicative of a particular language .... It would have been obvious to one of*
15   *ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language. ... Levy teaches a server accepting a web request along with a country code for processing of said web page .... It would have been obvious to one of ordinary skill in the art at the time of the invention to*
.20   *apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources.*

As discussed above, Levy and Motoyama solve essentially the same problem in essentially opposite ways, and thus cannot properly be combined. The scheme of Levy would

25   have no use for the dictionaries and rules data base of Motoyama. Similarly, the scheme of Motoyama would have no use for stored pluralities of complete pages. Thus, no appropriate suggestion or motivation to combine the references is possible. The proposed combination would change the principles of operation (impermissibly so; see e.g., In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) and MPEP 2143.01). The proposed combination of irreconcilable

30   elements here would also render the result unsatisfactory for its intended purpose (impermissibly so as well; see e.g., In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and MPEP 2143.01). The proposed combination also fails to consider the references as a whole (again, impermissibly; see e.g., MPEP 2141, 2142.02). Furthermore, for the reasons just stated, there would be no reasonable expectation of success in the combination here.

Item 12-3rd (pg. 8):

Claims 9-10 have been rejected under §103 as unpatentable over Motoyama in view of Cliff Berg (hereinafter Berg), How do I Write an International Application? Respectfully, we

5   urge that this too is error.

As an initial point this item in the action states that claims 9-10 are rejected, but then ends with the paragraph "*In regard to dependent claim 12, 13, claims 12, 13 reflect substantially similar subject matter as claimed in claims 9 and 10, and are rejected along the same rationale.*" Respectfully, this is very odd in and of itself, and particularly so because claims 9-10 depend

10   from claim 3 and claims 12-13 instead depend from claim 11.

Continuing, the action states: "*In regard to dependent claim 9, ... It would have been obvious to ... to apply Berg to Motoyama, because of Berg's taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.*" However, as discussed extensively in the remarks above, Motoyama's dictionaries

15   are not equivalent to Applicant's data files, and any speculated advantages that might be provided by those are not relevant.

In regard to dependent claim 10, and claims 12 and 13 as well, we urge that the same rationale expressed in the above remarks and through out this response also applies, and that these claims should be allowable for the same reasons.

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Item 12-4th (pg. 9):

Claims 12-13 have been rejected under §103 as unpatentable over Motoyama in view of Fukumochi and Berg. Respectfully, we urge that this is error as well.

The action states: "*In regard to dependent claim 12, ... It would have been obvious ... to*

25   *apply Berg to Motoyama, because of Berg's taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.*" However, here as well, we urge that Motoyama's dictionaries are not equivalent to Applicant's data files, and that any speculated advantages provided by utilizing those are not relevant.

The action continues: "*In regard to dependent claim 13, claim 10* [SIC] *reflects*

30   *substantially similar subject matter as claimed in claims 11 and 12, and is rejected along the same rationale.*" In regard to dependent claim 12, and claim 10 as well, we urge that the same

rationale expressed in the above remarks and through out this response also applies, and that these claims should be allowable for the same reasons.

Item 13 (Response to Arguments):

5　　　　We thank the Examiner for the reasoned comments here. They have helped us appreciate where past communications have failed in persuasiveness, and some of our above remarks are specifically in response to these comments.

Items 14-16:

10　　　　These appear informational in nature and are understood to require no reply.

CONCLUSION

Attached hereto is a marked-up version of the changes made by the current amendment,

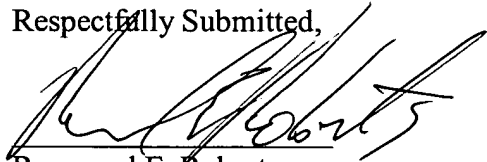15　with all pages captioned "**Version with markings to show changes made.**"

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §112 and §103 rejections have been addressed by amendment, and that §103 rejections have been rebutted. Applicant therefore asks that all objections and rejections now be withdrawn and that allowance of all claims presently in the case be granted.

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Version with markings to show changes made.

3. (Four times amended) A user interface, comprising:

a markup-language encoded template having a replacement variable within; and

a plurality of resource files containing data for replacing said replacement variable, said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality of said resource files containing an idiomatically-correct predefined passage of text in a different language such that said replacement variable will always be [unambiguously] replaced with a respective said passage of text governed by the selection of a particular one of said resource files.

11. (Three times amended) A method for constructing a web based user interface, comprising:

providing an HTML template to a server, said HTML template including at least one variable;

providing a plurality of data files to the server, each of said data files having therein a different language data portion corresponding to said variable, the data portion comprising idiomatically-correct predefined content;

selecting one of said plurality of data files; and

constructing an HTML encoded user interface file by [unambiguously] always substituting the same data portion from the selected one of said plurality of data files into said HTML template to replace said variable.

21. (Four times amended) A computer program product comprising a computer usable medium having a computer readable code embodied thereon configured to operate on a computer, comprising:

a markup-language encoded template having a replacement variable within; and

a plurality of resource files containing data for replacing said replacement variable, said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality of said resource files containing an idiomatically-correct predefined passage of text in a different language such that said replacement variable will always be [unambiguously] replaced with a respective said passage of text governed by the selection of a particular one of said resource files.